



BOULDER COUNTY HOUSING AUTHORITY

Reasonable Accommodation Policies and Procedures

February 2020



Boulder County, in accordance with the Fair Housing Act, prohibits discrimination in its programs and activities on the basis of race, color, age, religion sex, sexual orientation, disability, familial status or national origin. Reasonable accommodations and modifications may be requested to ensure equal access by people with disabilities to its programs and activities. To request an accommodation or modification, please call the Department of Housing and Human Services Call Center at 303/441-1000.



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REASONABLE ACCOMMODATION DEFINITIONS AND BCHA PHILOSOPHY

Since a person with a disability may have special needs due to their disability, in some cases, simply treating them exactly the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling. Under Section 504 of the Rehabilitation Act of 1973, a Reasonable Accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Under the Fair Housing Act, a Reasonable Accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

Reasonable Accommodations for the Boulder County Housing Authority (BCHA) may include but are not limited to accommodations or modifications which are necessary for a person with a disability to apply for housing assistance; use, enjoy and maintain a dwelling, including public and common use spaces; and attend meetings.

An “accommodation” is a change in rules, policies, or procedures.

A “modification” is a structural change to a unit or public common area. Please note that you may be responsible for contributing to the cost of a modification, depending on the request and which program you participate in.

A request is considered “reasonable” if it does not create an undue administrative and financial burden for BCHA, if it does not change the fundamental nature of BCHA’s programs or operations, and if it does not pose a direct threat to the health and safety of other individuals. There must be an identifiable relationship between the request and the individual’s disability, and the request must be necessary to ameliorate the effects of the disability and provide the individual with the disability an equal opportunity to use or enjoy the program.

In order to show that a requested accommodation may be necessary, there must be an identifiable relationship between the request and the individual's disability. What is *reasonable* will be determined on a case-by-case basis.

BCHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of BCHA’s programs, services, and activities.

Staff will approve a Reasonable Accommodation for a person with a disability when one is necessary to insure equal access to BCHA, as well as its amenities, services and programs. Accommodations and modifications will be made up to the point of structural infeasibility, undue financial and administrative burden or requiring fundamental changes to the program.

REASONABLE ACCOMMODATION COMMITTEE

BCHA’s Reasonable Accommodation Committee (the “Committee”) is made up of at least five employees who meet monthly or as needed to review Reasonable Accommodation requests submitted by BCHA tenants or recipients of or applicants for vouchers administered by BCHA. The Committee seeks to include employees with diverse subject matter expertise. Referrals to the Committee initiate with the staff to whom the resident

or applicant makes the request. Committee member terms are generally for a two-year term, and are regularly trained on BCHA's responsibility to be proactive and engage in dialogue to support the process.

One of the members of the Committee serves as the Committee Administrator, who is responsible for scheduling meetings and preparing agendas, collecting requests and other pertinent documentation and providing them to Committee members, communicating with requestors, and maintaining files regarding determinations.

LEGAL AUTHORITY

These policies and procedures are based on federal civil rights laws and regulations including, but not limited to: Section 504 of the Rehabilitation Act of 1973 (Section 504)1; Title II of the Americans with Disabilities Act of 1990 (ADA) 2; the Fair Housing Act of 1968, as amended (Fair Housing Act) 3; the Architectural Barriers Act of 1968, and the respective regulations for each Act.

MONITORING AND ENFORCEMENT

The BCHA Section 504/ADA Coordinator ensures that a consistent and reliable process is in place to evaluate and respond to an applicant, resident, and/or program participant with a disability who requests a reasonable accommodation or modification to enable them to enjoy the full benefits of their housing. The BCHA Section 504/ADA Coordinator is responsible to coordinate BCHA's Reasonable Accommodation Committee, ensure that housing staff are trained on Fair Housing and 504 requirements, and provide support regarding request determinations as necessary.

Questions regarding the interpretations and implementations of these policies and procedures may be addressed to BCHA's Section 504/ADA Coordinator in writing, by telephone, or by appointment, as follows:

Name of Section 504/ADA Coordinator:	Norrie Boyd, BCHA Division Director
Address:	2525 13 th Street, Suite 204, Boulder, CO 80304
Telephone Number:	720/564-2274
TDD/TTY Number:	Relay Colorado "7-1-1"
Fax Number:	720/564-2283

BCHA has posted a copy of this document on its website at www.bouldercountyhousing.org. This information will also be distributed upon request by calling BCHA at 720/564-2274.

STAFF TRAINING

Staff receives regular training on Reasonable Accommodation and Modification through federal and state conferences, local community organization educational seminars, its HUD Fair Housing and Equal Opportunity (FHEO) representative, and through written resources.

APPLICATION OF REASONABLE ACCOMMODATION AND MODIFICATION POLICIES

BCHA's Reasonable Accommodation and Modifications policies apply to applicants, program participants and residents with a disability through the following services it administers:

- Affordable housing units;
- Housing assistance (voucher) programs;
- Other programs or activities receiving Federal financial assistance that are conducted or sponsored by BCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by BCHA.

NOTIFICATION OF POLICIES

Staff, including Property Managers and Occupancy Case Managers, will inform their applicants, residents, and program participants of their right to a Reasonable Accommodation within the application process and at lease-up for a BCHA property and/or at issuance of a Housing Choice Voucher. This information will also be included in relevant publications regarding BCHA unit vacancies and waiting list/lottery openings, and within all applications, lease violation notices, eviction notices and recertifications. Such a notice will also be in large print and by request, available in other formats for people who cannot read them.

DEFINITION OF A PERSON WITH A DISABILITY

The definition of a person with a disability for purposes of a Reasonable Accommodation follows the definition in Section 504, the ADA, the federal Fair Housing Act, and any other applicable statutes: a person with a physical or mental impairment that substantially interferes with one or more activities of daily living, has a history or a record of such an impairment or is regarded as having such an impairment. As used in this definition, the phrase “physical or mental impairment” includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism. “Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning.
3. The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program, Housing Choice Voucher Program or other activities; or whose participation would constitute a direct threat to property or the safety of others.

EXAMPLES OF REASONABLE ACCOMMODATION

Examples of a Reasonable Accommodation may include, but are not limited to:

- Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability who is on the lease;
- Permitting a family to have an assistance animal necessary to assist a family member with a disability;
- Allowing a live-in aide to reside in an appropriately-sized BCHA unit;
- Transferring a resident to a unit on a lower level or a unit that is completely on one level;
- Making documents available in large type, Braille, or in other formats that enable an individual with a disability to read/comprehend them;
- Providing qualified sign language interpreters for an applicant or resident with a hearing-related impairment;
- Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family;

- As a Reasonable Accommodation for a family member with a disability, approving a request for exception payment standard amounts under the HUD Housing Choice Voucher Program in accordance with 24 C.F.R. §§ 8.28 and 982.504 (b)(2).

REQUESTS – PROCESSING PROCEDURES

1. BCHA’s “Reasonable Accommodation Request Packet” is available to all applicants, residents, and program participants. The packet (attached, available online at <https://www.bouldercounty.org/families/housing/fair-housing-and-reasonable-accommodation/> and also provided by the Committee Administrator upon request) outlines definitions, explains processes, provides schedules, and collects information regarding the request and the need for it, including forms for a knowledgeable professional to complete. The form may also be provided in an alternative format upon request.
2. Individuals are encouraged to submit their request(s) in writing. If requested, BCHA staff will assist an individual in completing their request. Along with the submittal, a Property Manager, Case Manager, Housing Family Resource Coordinator, the Section 504/ADA Coordinator, or other designated staff will either complete the “BCHA Staff RA Request Form” (attached) and submit it prior to the meeting or be available in person or by phone at the anticipated meeting to answer any questions regarding the request.
3. Request packets will be sent to Committee members by the end of the day on Friday the week prior to the scheduled Committee Meeting.
4. Requests will be processed in the order in which all required documentation has been received.
5. If additional information or documentation is required, the Committee will notify the resident, in writing, of that need.
6. Once the Committee has reviewed a request, along with all documentation submitted therewith, the Committee shall inform the requestor of its decision within ten (10) business days of the meeting. Upon request, the written notification will be provided in an alternate format.
7. The Committee can approve a request, approve a request subject to conditions, deny a request, or ask for additional information/clarification.
8. All recommendations that have been approved by the Committee will be forwarded to the appropriate staff for implementation. All requests that are approved will promptly be implemented or begin the process of implementation.

REQUESTS - VERIFICATION

As part of the Request Packet, BCHA will request documentation supporting the need for an accommodation. Staff will verify an individual’s disability only to the extent necessary to ensure that those who request an accommodation have a disability-related need for it and to ensure that the requested accommodation is reasonably related to the disability-related need.

A third party verifier is a person who is in a position to be able to attest to the requestor’s disability and need for accommodation. A third party verifier may be a medical provider; licensed health care provider; professional representing a social service agency, disability agency or clinic; a peer support group; a non-medical service agency; or a reliable third party who is in a position to know about the individual’s disability.

REQUESTS - ACCEPTANCE

If BCHA approves the request, the individual will be notified in writing no more than ten (10) business days after the meeting during which the decision was made.

REQUESTS – DENIAL

If BCHA denies the request, the individual will be notified in writing, with reasons regarding the committee's decision no more than ten (10) business days after the meeting during which the decision was made.

Examples of requested accommodations that will not be approved include if one of the following would occur as a result:

- A violation of state, federal, or other applicable law;
- A fundamental alteration in the nature of the BCHA public housing program;
- An undue financial and administrative burden on BCHA; or
- A structurally infeasible alteration.

These are examples of reasons for denial, but this is not an inclusive list. There may be other reasons that warrant denial of a Reasonable Accommodation request. Each request is reviewed on a case-by-case basis.

COMMITTEE MEETINGS

Committee meetings are held monthly. *Ad hoc* meetings outside of regular meeting dates may be held in the event of an emergency as determined by the Committee.

Meetings will be conducted only if 3 or more Committee members are in attendance. Decisions will be based on *majority rule* by all present members.

REVIEW PROCESS

If the requestor receives a denial and disagrees with BCHA's decision, he or she may resubmit their request with additional information which they believe would aid in the decision-making process. In addition, a requestor who disagrees with a decision may request an informal review with the Section 504/ADA Coordinator. Requests for an informal review must be made within 10 days of denial and must be submitted to the Section 504/ADA Coordinator (720/564-2274) by email (nboyd@bouldercounty.org), fax (720/564-2283) or mail to BCHA, ATTN: Norrie Boyd, PO Box 471, Boulder, CO 80306-0471.

A requestor may also, at any time, exercise their right to appeal BCHA's decision through the local U.S. Department of Housing and Urban Development (HUD) office or the U.S. Department of Justice. Individuals may contact the local HUD office at: 1670 Broadway St, Denver, CO 80202, Phone: (303) 672-5440; TDD/TTY Number: Dial "7-1-1".

FEDERAL, STATE AND LOCAL RESOURCES

Federal

The U.S. Department of Housing and Urban Development (HUD)
HUD Office of Fair Housing and Equal Opportunity
Fair Housing Accessibility First (supported by HUD)
U.S. Department of Justice Fair Housing Act
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
National Fair Housing Advocate Online

National Housing Law Project

Title II of the Americans with Disabilities Act of 1990 (ADA)

Fair Housing Act of 1968, as amended (Fair Housing Act)

Architectural Barriers Act of 19684, and the respective implementing regulations for each Act.

State

Colorado Department of Human Resources

Colorado Developmental Disabilities Council

Colorado Division of Housing

Colorado Statewide Independent Living Council

Legal Center for People with Disabilities and Older People

Local

Association for Community Living

Boulder ADAPT

www.BoulderCountyHELP.org

Center for People with Disabilities

Colorado Cross-Disability Coalition

Imagine! Colorado

Mental Health Partners of Boulder and Broomfield Counties